

AN ORDINANCE CREATING AND ESTABLISHING THE
BRIARGATE CENTER BUSINESS IMPROVEMENT DISTRICT
AND APPROVING AN OPERATING PLAN AND A BUDGET FOR 2002

WHEREAS, a petition has been filed with the City Council of the City of Colorado Springs requesting formation of a Business Improvement District in a certain area of Colorado Springs; and

WHEREAS, upon review of the petition and signatures on the petition, it appears that the petition meets the requirements of the Business Improvement District Act, Part 12 of Article 25, Title 31, Colorado Revised Statutes (C.R.S.) and the Business Improvement District policy set forth in Res. 122-00;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Upon consideration of the petition that the Briargate Center Business Improvement District be established, the Council finds:

- (a) That the service area described in the attached Exhibit A is hereby designated as an appropriate location for new business or commercial development, in accordance with C.R.S. § 31-25-1203(10);
- (b) That the proposed district was initiated by petition filed with the Clerk of the City Council, that the petition was duly signed and presented in conformity with the Business Improvement District Act, Part 12 of Article 25, Title 31, C.R.S., and that the allegations of the petition are true;
- (c) That the services to be provided by the proposed district, as defined in the Service Plan, satisfy the purposes of the Business Improvement District Act;
- (d) That the City Council has fixed a place and time for a hearing on the petition;
- (e) That notice of such hearing has been duly published and mailed in accordance with the Business Improvement District Act;
- (f) That an Operating Plan and Budget for 2002 has been filed with the Clerk of the City Council;

RECORDER NOTE: Legibility
of writing, typing or printing
UNSATISFACTORY in portions
of this document when received.

J. Patrick Kelly El Paso Cty, CO
04/02/2002 02:06
Doc \$0.00 Page
Rec \$40.00 1 of 8

202052406



- (g) That the Briargate Center Business Improvement District is lawful and necessary, should be and is hereby created and established, and should include and does include the area set forth in Exhibit A.

Section 2. The Briargate Center Business Improvement District is hereby organized and established for the purposes and with the powers set forth in the Briargate Center Business Improvement District Service Plan.

Section 3. The District is located within the boundaries of the City of Colorado Springs, County of El Paso Colorado, as described in Exhibit A. The Briargate Center Business Improvement District shall consist of taxable real property located within the service area that is not classified for property tax purposes as either residential or agricultural together with any taxable personal property located on the taxable real property. Residential or agricultural property located within the boundaries of the service area shall not be subject to the District's revenue-raising powers until the time as the property changes classification for property tax purposes.

Section 4. The Briargate Center Business Improvement District shall be governed by an elected board of directors as delineated in the Briargate Center Business Improvement District Service Plan. The initial board of directors election shall be held on May 7, 2002 in accordance with the provisions of Part 8 of Article 1 of Title 32 C.R.S. Micki Wadhams whose address is Collins Cockrel & Cole, PC, 390 Union Blvd., Suite 400, Denver, Colorado 80228 is hereby designated as the Designated Election Official for the District and she is hereby authorized and directed to proceed, subject to the supervision of the City Clerk, with any action necessary or appropriate to effectuate the provisions of this Ordinance, the Business Improvement District Act, and the Uniform Election Code of 1992 pursuant to which the election shall be conducted, and all other applicable laws. Among other matters, the Designated Election Official shall publish the call for nominations, appoint election judges as necessary, appoint the canvass board, arrange for the required notices of election (either by mail or publication), the printing of ballots, and direct that all other appropriate actions be accomplished.

Section 5. The 2002 Operating Plan and Budget is hereby approved.

Section 6. Any amendments to the Operating Plan and Budget of the Briargate Center Business Improvement District may be approved by the City Council by motion, resolution or ordinance.

Section 7. This ordinance shall be in full force and effect from and after its passage and publication as provided by the Charter.

Section 8. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection and acquisition in the Office of the City Clerk.

J. Patrick Kelly El Paso Cty, CO 202052406
04/02/2002 02:06
Doc \$0.00 Page
Rec \$40.00 2 of 8

Introduced, read and passed on first reading and ordered published
this 22nd day of January, 2002.

Paul Quinn Vice Mayor

Mayor

SEAL OF THE CITY OF EL PASO, COLORADO
INCORPORATED SEPTEMBER 2, 1872
ATTEST
L. Kenneth Young

City Clerk

J. Patrick Kelly El Paso Cty, CO 202052406
04/02/2002 02:06
Doc \$0.00 Page
Rec \$40.00 3 of 8

Finally passed, adopted and approved this 12th day of February, 2002.

Paul Quinn Vice Mayor

Mayor

ATTEST:
Katherine M. Kelly

City Clerk

I HEREBY CERTIFY, that the foregoing ordinance entitled "AN ORDINANCE CREATING AND ESTABLISHING THE BRIARGATE CENTER BUSINESS IMPROVEMENT DISTRICT AND APPROVING AN OPERATING PLAN AND A BUDGET FOR 2002" was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on January 22, 2002; that said ordinance was passed at a regular meeting of the City Council of said City, held on the 12th day of February, 2002, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Daily Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 12th day of February, 2002.

Katherine M. Kelly

City Clerk

EXHIBIT "A"

(BID Boundary)

A TRACT OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 32 AND A PORTION OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE BASIS OF BEARINGS IS A PORTION OF THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE NORTHWEST CORNER BY A 3-1/4" DEPARTMENT OF INTERIOR BUREAU OF LAND MANAGEMENT BRASS CAP AND AT THE SOUTH END BY A 3-1/4" ALUMINUM CAP STAMPED "JR ENG LTD RLS 17502" ALSO STAMPED "WC35" BEING NORTH OF THE ACTUAL 1/4 CORNER POSTION, BEING ASSUMED TO BEAR S00°21'28"E, A DISTANCE OF 2614.65 FEET;

COMMENCING AT A POINT ON THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, SAID POINT BEING A 35.00 FOOT WITNESS CORNER TO THE WEST QUARTER CORNER OF SAID SECTION 33: THENCE N32°20'43"E, A DISTANCE OF 82.71 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF TELSTAR DRIVE, AS PLATTED IN BRIARGATE BUSINESS CAMPUS FILING NO. 13, RECORDED IN EL PASO COUNTY UNDER RECEPTION NO. 96145981, SAID POINT BEING THE POINT OF BEGINNING; THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES:

1. S78°39'46"W, A DISTANCE OF 325.90 FEET; TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 14°10'18", A RADIUS OF 560.00 FEET, A DISTANCE OF 138.51 FEET TO A POINT ON CURVE;

THENCE S89°39'16"W, A DISTANCE OF 712.42 FEET;
THENCE N33°42'22"E, A DISTANCE OF 283.65 FEET;
THENCE N89°39'29"E, A DISTANCE OF 148.66 FEET;
THENCE N00°20'20"W, A DISTANCE OF 121.49 FEET;
THENCE N20°30'06"W, A DISTANCE OF 136.23 FEET;
THENCE N00°20'20"W, A DISTANCE OF 86.00 FEET;

THENCE N21°05'49"E, A DISTANCE OF 511.79 FEET TO A POINT ON CURVE. SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BRIARGATE PARKWAY AS PLATTED IN BRIARGATE BUSINESS CAMPUS FILING NO. 10, AS RECORDED IN PLAT BOOK E-5 AT PAGE 55, RECORDS OF EL PASO COUNTY, COLORADO;

THENCE EASTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF BRIARGATE PARKWAY AND SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF EXPLORER DRIVE, AS PLATTED IN SAID BRIARGATE BUSINESS CAMPUS FILING NO. 10, THE FOLLOWING NINE (9) COURSES:

1. ON THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS N19°22'57"E, HAVING A DELTA OF 19°44'47", A RADIUS OF 1772.50 FEET, A DISTANCE OF 610.88 FEET, TO A POINT OF TANGENT;
2. THENCE N89°38'10"E, A DISTANCE OF 312.89 FEET TO A POINT OF CURVE;
3. ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 09°14'49", A RADIUS OF 2082.50 FEET, AND A DISTANCE OF 336.09 FEET TO A POINT ON CURVE, SAID POINT BEING THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BRIARGATE PARKWAY, AS PLATTED IN BRIARGATE BUSINESS CAMPUS FILING NO. 10, RECORDED IN EL PASO COUNTY PLAT BOOK E-5, PAGE 55 AND WESTERLY RIGHT-OF-WAY LINE OF EXPLORER DRIVE, AS PLATTED IN BRIARGATE BUSINESS CAMPUS FILING NO. 10, RECORDED IN EL PASO COUNTY PLAT BOOK E-5, PAGE 55;
4. ON THE ARC OF A CURVE TO THE RIGHT, WHOSE CENTER BEARS S78°08'56"W, HAVING A DELTA OF 10°10'29", A RADIUS OF 901.00 FEET, AND A DISTANCE OF 160.00 FEET TO A POINT OF TANGENT;
5. S01°40'37"E, A DISTANCE OF 90.21 FEET TO A POINT OF CURVE;
6. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 11°23'39", A RADIUS OF 453.35 FEET, AND A DISTANCE OF 90.16 FEET TO A POINT OF COMPOUND CURVE;
7. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 07°00'56", A RADIUS OF 910.00 FEET, AND A DISTANCE OF 111.42 FEET TO A POINT OF REVERSE CURVE;
8. ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 17°39'46", A RADIUS OF 990.00 FEET, AND A DISTANCE OF 305.19 FEET TO A POINT OF TANGENT;
9. S00°55'48"E, A DISTANCE OF 66.06 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID TELSTAR DRIVE;

J. Patrick Kelly El Paso Cty, CO

04/02/2002

02:06

202052406

Doc \$0.00

Page

Rec \$40.00

6 of 8

EXHIBIT "B"

Description of Public Improvements Proposed for Bid

- Streets, including bicycle paths, striping, curbs and gutters, and traffic safety devices
- Sidewalks, pedestrian malls, benches and information booths
- Street lights
- Drainage facilities and detention ponds
- Landscaping and irrigation of common areas
- Fencing, screening barriers, and retaining walls.
- Identification signs
- Relocation and improvement of existing electrical, gas, water and/or sewer lines as is necessary
- Decorative structures, statuaries and fountains
- Off-street parking facilities
- Other "improvements" as that term is defined in section 31-25-1203(5) C.R.S.
- The provision of services as described in section 31-25-1212(l)(f) C.R.S.
- The exercise of any and all other powers that are granted to Business Improvement Districts under section 31-25-1212, C.R.S., and other laws

J. Patrick Kelly El Paso Cty, CO 202052406
04/02/2002 02:06
Doc \$0.00 Page
Rec \$40.00 8 of 8